

City Clerk File No. Ord. 15.132

Agenda No. 3. A 1st Reading

Agenda No. 4. A 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.132
ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING
TITLE: AMENDMENTS FOR THE ADDITION OF AN ART GALLERY USE TO CHAPTER 345
ARTICLE I, (DEFINITIONS) AND ARTICLE V, SECTION 60 – SUPPLEMENTARY ZONING

WHEREAS, the Municipal Council, pursuant to NJSA 40:55D-62, may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

WHEREAS, the Municipal Council, pursuant to NJSA 40:55D-64, has sought and received the recommendations of the Jersey City Planning Board relative to these issues; and

WHEREAS, there is a need to allow an art gallery use throughout all of Jersey City; and

WHEREAS, a permitted gallery use will allow for greater opportunity to encourage the development of new businesses and cultural resources in, existing, or zoned non-residential spaces; and

WHEREAS, the Planning Board voted to recommend adoption of this amendment by the Municipal Council at their September 1, 2015 regular meeting;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the Jersey City Land Development Ordinance, be and is hereby amended as follows (Material indicated by strikethrough ~~like this~~ is existing material that is intended to be deleted. Material indicated by bold italic *like this* is new material that is intended to be enacted):

Amendment to Jersey City Land Development Ordinance for Chapter 345, Article I, Section 6.
Definitions
345-6.

Art Gallery – Space for the display, appreciation, and sale of objects of art

Amendment to Jersey City Land Development Ordinance for
Chapter 345, Article V, Section 60 – Supplementary Zoning

345-60. – Supplementary Zoning Regulations

A-X. Unchanged

Y. Art Gallery:

1. Permitted in all existing non-residential spaces or zoned non-residential spaces. In no instance shall an art gallery be considered a theater.

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING
AMENDMENTS FOR THE ADDITION OF A GALLERY USE TO ARTICLE V, SECTION 60 --
SUPPLEMENTARY ZONING**

- 2. Studio workspace is prohibited where not already permitted.**
- 3. All noise and entertainment shall be regulated by Chapters 157 (Entertainment License) and 222 (Noise) of the Jersey City Code.**
- 4. Signage shall be regulated by 345-68. The type and size of the signage shall be limited to the retail use signage standards for the zone where the space exists. If there are no applicable retail standards, signage shall be limited to a maximum 6 sq ft.**
- 5. Any work on a building which is an individual landmark or is within in a Historic District shall be first be subject to approval from the Historic Preservation Commission under the provisions of § 345-30. - Historic preservation review procedures.**

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is hereby directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.

APPROVED AS TO LEGAL FORM

Joanne Morahan

Corporation Counsel

Certification Required ☐
Not Required ☒

APPROVED: _____

APPROVED: _____

Business Administrator

Robert D. Cotter, PP, FACP
Acting Director of Planning

ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS FOR THE ADDITION OF AN ART GALLERY USE TO ARTICLE I, (DEFINITIONS) AND ARTICLE V, SECTION 60 – SUPPLEMENTARY ZONING

Initiator

Department/Division	HEDC	City Planning
Name/Title	Robert Cotter, PP, FAICP	Director
Phone/email	201-547-5010	bobbyc@cnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

The purpose of this ordinance is to recognize and respond to the need to permit art galleries in all districts throughout Jersey City. Currently, the Jersey City Land Development Ordinance does not define or list art galleries as a permitted use in any district. This would allow them to exist in any space that exists or zoned as non-residential.

The standards for this use are listed in the Supplementary zoning section of the ordinance and speak to limiting entertainment, and specifying review by the Historic Preservation Commission when the property is within the Historic district or is a landmark.

 9/2/15

I certify that all the facts presented herein are accurate.


Signature of Department Director

Date

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.132
TITLE: 3.A SEP 24 2015 4.A OCT 14 2015

Ordinance of the Municipal Council of the City of Jersey City
adopting amendments for the addition of an art gallery use to
Chapter 345 Article I, (Definitions) and Article V, Section 60 -
Supplementary Zoning. (Art Gallery)

RECORD OF COUNCIL VOTE ON INTRODUCTION SEP 24 2015 7-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	ABSENT			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	ABSENT		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING OCT 14 2015 7-0											
Councilperson <u>LAVARRO</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	ABSENT			RIVERA	✓		
RAMCHAL	ABSENT			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMEN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE OCT 14 2015 7-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	ABSENT			RIVERA	✓		
RAMCHAL	ABSENT			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on SEP 24 2015
OCT 14 2015

Adopted on second and final reading after hearing on _____

This is to certify that the foregoing Ordinance was adopted by
the Municipal Council at its meeting on OCT 14 2015

Robert Byrne
Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date OCT 14 2015

APPROVED:

Steven M. Fulop, Mayor

Date OCT 16 2015

Date to Mayor OCT 15 2015

City Clerk File No. Ord. 15.104

Agenda No. 3.G 1st Reading

Agenda No. 4.F 2nd Reading & Final Passage 11.H.
4.D. OCT 14 2015 TABLED AGENDA



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.104

TITLE:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 12 (AUTHORITIES, MUNICIPAL) ARTICLE II (INCINERATOR AUTHORITY) OF THE JERSEY CITY MUNICIPAL CODE, DISSOLVING THE JERSEY CITY INCINERATOR AUTHORITY, AND AMENDING AND SUPPLEMENTING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE IX (DEPARTMENT OF PUBLIC WORKS) OF THE JERSEY CITY MUNICIPAL CODE, TO CONSOLIDATE AND ASSUME THE FUNCTIONS OF THE JERSEY CITY INCINERATOR AUTHORITY WITH THE JERSEY CITY DEPARTMENT OF PUBLIC WORKS

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

WHEREAS, the Jersey City Incinerator Authority (JCIA) was created by the adoption of an ordinance by the City of Jersey City (City) pursuant to the New Jersey Incinerator Authorities Law, N.J.S.A. 40:66A-1, et seq.; and

WHEREAS, the Jersey City Department of Public Works (DPW) was also created by the adoption of an Ordinance of the City, specifically, Article IX of the Jersey City Code; and

WHEREAS, the City has conducted extensive research and engaged in significant discussion concerning the possible consolidation of the JCIA and the DPW and determined that such consolidation would result in significant cost savings to the City and markedly increased efficiency of City services and functions; and

WHEREAS, pursuant to N.J.S.A. 40A:5A-20, the City is authorized to dissolve the JCIA, so long as provision is made for payment of the JCIA's debts and obligations and for assumption of the JCIA's functions by another body and/or entity; and

WHEREAS, the City has determined that the most efficient and cost-effective method to consolidate the JCIA and the DPW is to dissolve the JCIA as a separate entity and transfer some of its employees and functions to the DPW, thereby consolidating the two (2) entities into one (1); and

WHEREAS, the City proposes to assume responsibility for the payment of any and all debts and obligations of the JCIA; and

WHEREAS, the New Jersey Local Finance Board has reviewed this Ordinance and has approved the adoption of this Ordinance; and

~~**WHEREAS**, no later than _____ months from the date of the adoption of the within ordinance, the Business Administrator will prepare a new table of organization for the Department of Public Works that will reflect personnel needed to perform the functions that will no longer be performed by the JCIA, and _____ months thereafter, this ordinance shall take effect.~~

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 12 (AUTHORITIES, MUNICIPAL) ARTICLE II (INCINERATOR AUTHORITY) OF THE JERSEY CITY MUNICIPAL CODE, DISSOLVING THE JERSEY CITY INCINERATOR AUTHORITY, AND AMENDING AND SUPPLEMENTING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE IX (DEPARTMENT OF PUBLIC WORKS) OF THE JERSEY CITY MUNICIPAL CODE, TO CONSOLIDATE AND ASSUME THE FUNCTIONS OF THE JERSEY CITY INCINERATOR AUTHORITY WITH THE JERSEY CITY DEPARTMENT OF PUBLIC WORKS

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Jersey City, that:

- A. The following amendments to Chapter 12 (Authorities, Municipal) Article II (Incinerator Authority) are hereby adopted:

AUTHORITIES, MUNICIPAL

ARTICLE II Incinerator Authority

~~§12-2. Authority Established; Membership.~~

- A. ~~The Incinerator Authority is hereby established pursuant to law N.J.S.A. 40:66A-1, et seq.~~
- B. ~~The membership of the Incinerator Authority is hereby increased from five to seven members. The two additional members shall be appointed to serve five year terms commencing on February 1 next following their appointment and expiring on February 1 in the fifth year after their appointment.~~
- C. ~~The Board may provide its members with compensation for their services in the form of medical health care, prescription, optical or dental insurance coverage. Effective as of the date of adoption of the within Ordinance, no new board member shall receive compensation of any kind, including but not limited to; salary, medical health coverage, life insurance, prescription, optical or dental coverage. No board members shall receive any other compensation of any kind whatsoever, except as provided herein. Existing board members as of the effective date of this ordinance will continue to receive medical health care, prescription, optical or dental insurance coverage through December 31, 2011.]~~
- B. The following amendments to Chapter 3 (Administration of Government) Article IX (Department of Public Works) are hereby adopted:

ADMINISTRATION OF GOVERNMENT

ARTICLE IX Department of Public Works

§3-67. - Duties of Director; divisions.

The Director shall be responsible for the proper and efficient conduct of all public works functions of the city government and shall provide technical advice and service to other departments as needed. The Director shall serve as city liaison with the Jersey City Incinerator and Sewerage Authorities. Within the Department shall be the following divisions:

- A. Division of Architecture.
- B. Division of Engineering, Traffic and Transportation.
- C. Division of Buildings and Street Maintenance.
- D. Division of Automotive Maintenance.*

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 12 (AUTHORITIES, MUNICIPAL) ARTICLE II (INCINERATOR AUTHORITY) OF THE JERSEY CITY MUNICIPAL CODE, DISSOLVING THE JERSEY CITY INCINERATOR AUTHORITY, AND AMENDING AND SUPPLEMENTING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE IX (DEPARTMENT OF PUBLIC WORKS) OF THE JERSEY CITY MUNICIPAL CODE, TO CONSOLIDATE AND ASSUME THE FUNCTIONS OF THE JERSEY CITY INCINERATOR AUTHORITY WITH THE JERSEY CITY DEPARTMENT OF PUBLIC WORKS

** Editor's Note: Former Subsection D, which immediately followed this subsection and listed the Division of Neighborhood Improvement, was repealed 8-13-1997 by Ord. No. 97-052.*

- E. Division of Park Maintenance.
- F. Division of Neighborhood Improvement.
- G. Division of Automobile Impounding.
- H. Division of Demolition.
- I. Division of Solid Waste Recycling.
- J. Division of Graffiti Removal.
- K. Division of Sanitation.

§3-68. Through §3-71.1. No Change.
§3-71.3. - Division of Automobile Pound.

- A. Creation of the Division of Automobile Impounding: Director in charge.
There is hereby created within the Department of Public Works a Division of Automobile Impounding, the head of which shall be the Director of the Director of Automobile Impounding.
- B. Division of Automobile Impounding: functions.
Under the direction and supervision of the Director of the Department of Public Works, the Division of Automobile Impounding shall provide the following services:
 - (1) Oversee the towing of all vehicles, including abandoned vehicles, upon order of the Police (JCPD) and notify the Division of Motor Vehicles and the National Automobile Theft Bureau that possession was taken of the abandoned vehicle;
 - (2) Run data checks on vehicles and staff the on-site National Crime Index Communicator (NCIC) terminal for this purpose with civilian personnel. Such information includes the owner's name, address and other pertinent information needed by the Automobile Pound to properly notify the owner of record. JCPD shall also notify the National Insurance Crime Bureau (NICB) of all vehicles impounded by the JCPD;
 - (3) Release the vehicle upon presentation by the owner of a valid license, registration and insurance card to the JCPD;
 - (4) Retain copies of the Order of Impoundment for all vehicles impounded;
 - (5) Obtain motor vehicle background checks, prior to release of impounded vehicles and name, address and other pertinent information relating to all vehicles impounded. Such information is to be provided daily;
 - (6) Remove all visible personal property from impounded vehicles prior to being towed to the City Car Pound;

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 12 (AUTHORITIES, MUNICIPAL) ARTICLE II (INCINERATOR AUTHORITY) OF THE JERSEY CITY MUNICIPAL CODE, DISSOLVING THE JERSEY CITY INCINERATOR AUTHORITY, AND AMENDING AND SUPPLEMENTING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE IX (DEPARTMENT OF PUBLIC WORKS) OF THE JERSEY CITY MUNICIPAL CODE, TO CONSOLIDATE AND ASSUME THE FUNCTIONS OF THE JERSEY CITY INCINERATOR AUTHORITY WITH THE JERSEY CITY DEPARTMENT OF PUBLIC WORKS

- (7) Process the documentation necessary to allow a vehicle to be sold at auction;
- (8) The Division of Automobile Impounding shall then send a letter by registered mail to the owner as identified by the data check as required by Statute;
- (9) As appropriate, the Division of Automobile Impounding shall make application for titles upon expiration of the statutory period. Each vehicle shall be classified, according to relevant standards and procedures set forth in N.J.S.A. 39:1 et seq., to be either:
 - (a) a junk title; or
 - (b) a renegotiable title.
- (10) Prior to making this application, the Division of Automobile Impounding must notify the JCPD Scofflaw/Auto Squad Commander, in writing, that all statutory requirements have been met relating to the list of vehicles to be auctioned;
- (11) The Division of Automobile Impounding shall cooperate with forfeiture claims.
- (12) Conduct auctions in accordance with State Law.
- (13) Collect fees generated by the impoundment, storage or auction or sale of vehicles:
 - (a) any fees collected for the impoundment or storage of vehicles may be retained by the DPW to off-set the costs of providing towing services and other related operation cost;
 - (b) provide the Municipal Council with an annual financial statement prepared in accordance with generally accepted accounting principles, regarding all fees and income collected;
 - (c) fees shall follow the uniform schedule of fees for involuntary tows as set forth in the Jersey City Municipal Code.
- (14) Allow the JCPD to use four unclaimed vehicles per month as undercover cars.

§3-71.4. - Division of Demolition.

- A. Creation of the Division of Demolition: Director in charge.
There is hereby created within the Department of Public Works a Division of Demolition, the head of which shall be the Director of the Division of Demolition.
- B. Division of Demolition: functions.
Under the direction and supervision of the Director of the Department of Public Works, the Division of Demolition shall:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 12 (AUTHORITIES, MUNICIPAL) ARTICLE II (INCINERATOR AUTHORITY) OF THE JERSEY CITY MUNICIPAL CODE, DISSOLVING THE JERSEY CITY INCINERATOR AUTHORITY, AND AMENDING AND SUPPLEMENTING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE IX (DEPARTMENT OF PUBLIC WORKS) OF THE JERSEY CITY MUNICIPAL CODE, TO CONSOLIDATE AND ASSUME THE FUNCTIONS OF THE JERSEY CITY INCINERATOR AUTHORITY WITH THE JERSEY CITY DEPARTMENT OF PUBLIC WORKS

- (1) Demolish buildings and structures as requested by the City's Construction Code Official and/or the Municipal Engineer;
- (2) Maintain accurate records concerning the cost of labor and materials expended in order to demolish each building and forward a statement of costs to the Tax Collector so as to enable the filing of a lien should reimbursement for such costs from the private owner, not be forthcoming.

§3-71.5. - Division of Solid Waste / Recycling.

- A. Creation of the Division of Solid Waste Recycling: Director in charge.
There is hereby created within the Department of Public Works a Division of Solid Waste Recycling, the head of which shall be the Director of the Division of Solid Waste/Recycling.
- B. Division of Solid Waste Recycling: functions.
Under the direction and supervision of the Director of the Department of Public Works, the Division of Solid Waste/Recycling shall:
 - (1) Implement the existing Solid Waste, Recycling Program, a copy of which is on file in the office of the City Clerk, concerning the collection and disposal of all materials generated within the City from any residential, commercial or municipal property.

§3-71.6. - Division of Graffiti Removal.

- A. Creation of the Division of Graffiti Removal: Director in charge.
There is hereby created within the Department of Public Works a Division of Graffiti Removal, the head of which shall be the Director of the Division of Graffiti Removal.
- B. Division of Graffiti Removal: functions.
Under the direction and supervision of the Director of the Department of Public Works, the Division of Graffiti Removal shall:
 - (1) Removal of graffiti from municipal, commercial and residential dwellings.

§3-71.7. - Division of Sanitation.

- A. Creation of the Division of Sanitation: Director in charge.
There is hereby created within the Department of Public Works a Division of Sanitation, the head of which shall be the Director of the Division of Sanitation.
- B. Division of Sanitation: functions.
Under the direction and supervision of the Director of the Department of Public Works, the Division of Sanitation shall:
 - (1) Plow snow, spread salt, and remove snow;
 - (2) Install public litter baskets and receptacles at locations to be designated by the City Business Administrator or his designee;

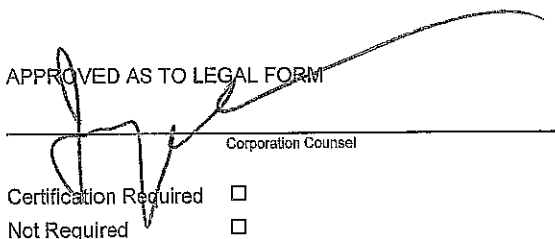
AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 12 (AUTHORITIES, MUNICIPAL)
ARTICLE II (INCINERATOR AUTHORITY) OF THE JERSEY CITY MUNICIPAL CODE,
DISSOLVING THE JERSEY CITY INCINERATOR AUTHORITY, AND AMENDING AND
SUPPLEMENTING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE IX
(DEPARTMENT OF PUBLIC WORKS) OF THE JERSEY CITY MUNICIPAL CODE, TO
CONSOLIDATE AND ASSUME THE FUNCTIONS OF THE JERSEY CITY INCINERATOR
AUTHORITY WITH THE JERSEY CITY DEPARTMENT OF PUBLIC WORKS

- (3) Sweep and clean designated City streets by use of mechanical street sweeping equipment in accordance with the current City schedule and practice;
- (4) Remove and dispose of refuse from public litter baskets and receptacles, and from City-owned lots and from within City-owned vacant buildings;
- (5) Remove and dispose of refuse from streets and City-owned parking areas;
- (6) Inspect and enforce sanitation ordinances and remove refuse from privately owned lots;
- (7) Maintain accurate records concerning the cost of labor and materials it expends in order to remove refuse from each privately owned lot and forward a statement of costs to the Tax Collector so as to enable the City to file a lien and seek reimbursement for such costs from the private owners.

- I. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- II. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- III. This ordinance shall take effect *no earlier than January 1, 2016 subject to approval of Civil Service concerning titles and permanent status requests from the City.*
- IV. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: All new material is underlined; words in [brackets] are omitted. For purposes of advertising only, new matter is **boldface** and repealed matter by *italics*.

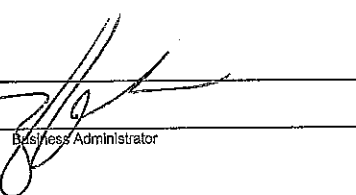
APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: _____

APPROVED: _____



Business Administrator

Certification Required ☐
Not Required ☐

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.104

TITLE: 3.G JUL-15 2015 4.F

AUG 19 2015 4.P. OCT 14 2015

An ordinance amending and supplementing Chapter 12 (Authorities, Municipal) Article II (Incinerator Authority) of the Jersey City Municipal Code, dissolving the Jersey City Incinerator Authority, and amending and supplementing Chapter 3 (Administration of Government) Article IX (Department of Public Works) of the Jersey City Municipal Code, to consolidate and assume the functions of the Incinerator Authority with the Jersey City Department of Public Works.

RECORD OF COUNCIL VOTE ON INTRODUCTION JUL 15 2015 7-2											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN		✓		RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO		✓		COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING AUG 19 2015 9-0											
Councilperson <u>LAVARRO</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

YVONNE BALCER
TEARETHEA IZARD-SIMS
DARYN MARTIN
HOWARD JONES
LORENZO RICHARDSON
VIOLA RICHARDSON
TABILI TRYARI
WILLIAM O'DEA

Tabled 7:2 after the close of the public hearing on a motion by Lavarro, seconded by Osborne; Boggiano & Yun's May

SPEAKERS:

Removed 7-0 from the Tabled Agenda on a motion by Lavarro, seconded by Osborne; Ramchal and Yun Absent

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY OCT 14 2015											
Councilperson <u>OSBORNE</u> moved to amend* Ordinance, seconded by Councilperson <u>LAVARRO</u> & adopted <u>6-1</u>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN		ABSENT		RIVERA	✓		
RAMCHAL		ABSENT		OSBORNE	✓			WATTERMANN	✓		
BOGGIANO		✓		COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF FINAL COUNCIL VOTE OCT 14 2015 6-1											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN		ABSENT		RIVERA	✓		
RAMCHAL		ABSENT		OSBORNE	✓			WATTERMANN	✓		
BOGGIANO		✓		COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JUL 15 2015

Adopted on second and final reading after hearing on OCT 14 2015

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on OCT 14 2015

Robert Byrne
Robert Byrne, City Clerk

APPROVED:

Rolando R. Lavarro, Jr.
Rolando R. Lavarro, Jr., Council President

Date OCT 14 2015

APPROVED:

Steven M. Fulop
Steven M. Fulop, Mayor

Date OCT 16 2015

Date to Mayor OCT 15 2015

*Amendment(s):

*remove last paragraph on page 1
page 6 III*

City Clerk File No. Ord. 15.125

Agenda No. 3.D 1st Reading

Agenda No. 4.D. 2nd Reading & Final Passage 11.I.
4.E. OCT 14 2015 TABLED AGENDA



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.125

TITLE:

AN ORDINANCE OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY, AMENDING ORDINANCE NO. 10-085 OF THE CITY FINALLY ADOPTED JULY 14, 2010, PROVIDING FOR THE ACQUISITION BY THE CITY OF REAL PROPERTY IN THE CITY AND THE CONSTRUCTION OF VARIOUS IMPROVEMENTS THERETO AND APPROPRIATING \$7,700,000, THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$7,333,300 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE CITY OF JERSEY CITY TO FINANCE THE SAME.

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section A. Bond Ordinance No. 10-085 of the City of Jersey City, in the County of Hudson, New Jersey, finally adopted July 14, 2010 (the "Prior Ordinance"), is hereby amended in full to read as follows:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Jersey City, in the County of Hudson, New Jersey (the "City") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$7,700,000 (representing no change from the appropriation made therefor in the Prior Ordinance), said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$53,000 appropriated by the Prior Ordinance as the initial down payment for the improvement or purpose required by the Local Bond Law. The Prior Ordinance anticipated the receipt of grants in the total amount of \$6,600,000, consisting of (i) a grant in the amount of \$1,600,000 from the State of New Jersey, Department of Environmental Protection pursuant to the Green Acres Program, (ii) a grant in the amount of \$3,500,000 from the Port Authority of New York/New Jersey, (iii) a grant in the

amount of \$1,000,000 from the Hudson County Open Space Fund, and (iv) a grant in the amount of \$500,000 from the New York/New Jersey Baykeeper), which grants are no longer anticipated. Accordingly, the sum of \$313,700 is hereby appropriated as a supplemental down payment for the improvement or purpose. The initial and supplemental down payments have been made available by virtue of provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$7,333,300 (representing a decrease of \$313,700 from the \$7,647,000 authorized by the Prior Ordinance) pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The improvement hereby authorized and the purpose for which the bonds are to be issued is (1) the acquisition by the City of real property and the improvements thereon known as the Harsimus Embankment Park and Greenway Project, including, but not limited to, approximately eight parcels of land, including two grade-level parcels and six stone embankments, identified on the tax maps of the City as Block 212, Lot M, Marin Boulevard to Manila Avenue, Block 247, Lot 50A, Manila Avenue to Erie Street, Block 280, Lot 50A, Erie Street to Jersey Avenue, Block 317.5, Lot 50A, Jersey Avenue to Coles Street, Block 354.1, Lot 50A, Coles Street to Monmouth Street, Block 389.1, Lot 50, Monmouth Street to Brunswick Street, Block 415, Lot 50 (also known as Lot 50.PL), Brunswick Street to Newark Avenue and Division Street and Block 446, Lot 18A, Newark Avenue to just west of the New Jersey Turnpike, (2) the acquisition by the City of such additional property as may be necessary to link the properties described in clause (1) above to the national freight rail network, expected at the locations known as National Docks Secondary and/or CP Waldo, (3) the rehabilitation, replacement and/or reconstruction of all or a portion of the rail facilities located or previously located on the properties described in clauses (1) and/or (2) above, which may include, inter alia, one or more switches and trestles together with new or replacement rail, and (4) the establishment of open space for active and/or passive recreation by the public, and including all rights and interests therein and all work, materials and services necessary therefore or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the City Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 30 years (representing a reduction from the 40 years stated in the Prior Ordinance.)

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$7,333,300 (representing a decrease of \$313,700 from the \$7,647,000 authorized by the Prior Ordinance), that the net debt of the City determined as provided in the Local Bond Law is increased by \$7,333,300 (representing a decrease of \$313,700 from the \$7,647,000 authorized by the Prior Ordinance), and the obligations authorized herein will be within all debt limitation prescribed by that Law.

(d) An aggregate amount not exceeding \$950,000 (representing an increase of \$450,000 from the \$500,000 authorized by the Prior Ordinance) for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The City reasonably expects to commence acquisition and/or construction of the project described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated

to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section B. After passage upon first reading of this bond ordinance, the City Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The City Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this bond ordinance.

Section C. After final adoption of this bond ordinance by the Municipal Council, the City Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section D. This ordinance amends Bond Ordinance No. 10-085 of the City finally adopted July 14, 2010. Any inconsistencies shall be resolved by reference to this amending ordinance. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section E. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section C hereof and the Local Bond Law.

APPROVED AS TO LEGAL FORM

Joanne Monahan
707 Corporation Counsel

Certification Required ☐
Not Required ☒

APPROVED: Donna Mauer CTD

APPROVED: [Signature]

Business Administrator

ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

AN ORDINANCE OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY, AMENDING ORDINANCE NO. 10-085 OF THE CITY FINALLY ADOPTED JULY 14, 2010, PROVIDING FOR THE ACQUISITION BY THE CITY OF REAL PROPERTY IN THE CITY AND THE CONSTRUCTION OF VARIOUS IMPROVEMENTS THERETO AND APPROPRIATING \$7,000,000, THEREFOR, AND PROVIDING THE ISSUANCE OF \$7,333,300 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE CITY OF JERSEY CITY TO FINANCE THE SAME.

Initiator

Department/Division	Administration	Management & Budget
Name/Title	Donna Mauer	Chief Financial Officer
Phone/email	201-547-5042	DonnaM@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Resolution Purpose

This ordinance is required to change the purpose of Ordinance 10-085. As indicated in Section 3, the purpose for which the bonds are to be issued: (1) the acquisition by the City of real property and the improvements thereon known as the Harsimus Embankment Park and Greenway Project, (2) the acquisition by the City of such additional property necessary to link the properties to the national freight rail network, (3) rehabilitation, replacement, and/or reconstruction of all or portion of the rail facilities, (4) establish open space for the active and/or passive recreation by the public.

The sum of \$313,700 (Capital Improvement Funds) has been appropriated as a supplemental down payment for the improvement as a result of the loss of grant funds. The increase in appropriation is permitted under N.J.S.A 40A:2-20. This ordinance is not requesting the issuance of new bond and notes. The only fiscal impact is the added down payment in the CY2015 budget appropriation.

I certify that all the facts presented herein are accurate.

August 20, 2015

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.125
 TITLE: 3.D SEP 9 2015 4.D SEP 24 2015 4.E. OCT 14 2015

An ordinance of the City of Jersey City, in the County of Hudson, New Jersey, amending Ordinance No. 10-085 of the City finally adopted July 14, 2010, providing for the acquisition by the city of real property in the city and the construction of various improvements thereto and appropriating \$7,700,000, therefor, and providing for the issuance of \$7,333,300 in General Improvement Bonds or Notes of the City of Jersey City to finance the same.

RECORD OF COUNCIL VOTE ON INTRODUCTION SEP 09 2015 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	ABSENT			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING SEP 24 2015											
Councilperson <u>COLEMAN</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	ABSENT			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	ABSENT		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

VICKIE HYMAN
 STEVE HYMAN
 YVONNE BALZER

TABLED 6-1 AFTER THE CLOSE
 OF THE PUBLIC HEARING ON A
 MOTION BY BY COLEMAN,
 SECONDED BY OSBORNE;
 YUN: NAY; RAMCHAL AND
 LAVARRO: ABSENT

Removed 7-0 from the Tabled
 Agenda on a motion by
 Lavarro, seconded by Osborne;
 Ramchal and Yun: Absent

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE OCT 14 2015 7-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	ABSENT			RIVERA	✓		
RAMCHAL	ABSENT			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on SEP 09 2015
 Adopted on second and final reading after hearing on OCT 14 2015

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on OCT 14 2015

Robert Byrne
 Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date OCT 14 2015

APPROVED:

Steven M. Fulop, Mayor

Date OCT 16 2015

Date to Mayor OCT 15 2015